



RECEIVED
OCT 17 2003
TC 1700

1745

#222
11.5.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 9619
Seiji NONAKA et al. : Docket No. 2000-1402
Serial No. 09/679,308 : Group Art Unit 1745
Filed October 6, 2000 : Examiner J. Mercado

ELECTRODE METAL MATERIAL,
CAPACITOR AND BATTERY FORMED OF
THE MATERIAL AND METHOD OF
PRODUCING THE MATERIAL
AND THE CAPACITOR AND BATTERY

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE OF THIS PAPER TO DEPOSIT
NO. 23-0975

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of July 11, 2003, Applicants submit the following remarks in support of the allowance of the present application. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 1, 3-10 and 121 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al., as well as the rejection of claims 122 and 123 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 5-11 of Nonaka et al. in view of Phillips, are respectfully traversed.

The Nonaka et al. reference (USP 6,493,210) is the patent which issued from the divisional application of the present application. During prosecution of the present application, the Examiner required restriction among (I) claims 1-10 and 28-34 drawn to an electrode and a capacitor, (II) claims 11-23, 35-53 and 80-120 drawn to a method of forming an electrode and a

Adjustment date: 06/18/2004 EEKURAY1
11/06/2003 PFENNELL 00000001 230975 09679308
01 FC:1251 110.00 CR

11706/2003 PFENNELL 00000001 230975 09679308
01 FC:1251

BEST AVAILABLE COPY



Doc/Ref
STATUS AND
BRANCH
#307
2004 MAY 17 PM 12:46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Seiji NONAKA et al.

Serial No. 09/679,308

Filed October 6, 2000

ELECTRODE METAL MATERIAL,
CAPACITOR AND BATTERY FORMED
OF THE MATERIAL AND METHOD
OF PRODUCING THE MATERIAL
AND THE CAPACITOR AND BATTERY

:

:

:

:

:

Attn: ACCOUNTING DIVISION
REFUND BRANCH

Attorney Docket No. 2000-1402

Confirmation No. 9619

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Applicants' attorney has been informed that his PTO Deposit Account (No. 23-0975) was charged \$110.00 on November 6, 2003 in connection with an Extension of Time. Perhaps this was in connection with a response to the Office Action of July 11, 2003. However, a Response to the Office Action was timely filed within the three month time period, on October 10, 2003. Please see the attached copy of the postcard receipt for this response.

Under these circumstances, Applicants' attorney request a refund of \$110.00, which should be credited to his PTO Deposit Account (No. 23-0975).

Respectfully submitted,

Seiji NONAKA et al.

By:

Amy E. Pulliam
Registration No. 55,965 for
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
WENDEROTH, LIND & PONACK, L.L.P.
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
May 12, 2004

2000-1402

ST AVAILABLE COPY



STATUS AND ENTITY
BRANCH

2004 MAY 17 PM 12:46

COPY

ATTY DOCKET #: 2000-1402

Due Date: October 11, 2003

Confirmation No. 9619

OUR REF: 2000-1402/MRD/00177

Applicant: Seiji NONAKA et al.

Serial No.: 09/679,308

Filing Date: October 6, 2000

Title: ELECTRODE METAL MATERIAL, CAPACITOR AND BATTERY FORMED OF
THE MATERIAL AND METHOD OF PRODUCING THE MATERIAL AND THE
CAPACITOR AND BATTERY

Receipt of the following papers is acknowledged:

1. Response



THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Date: October 10, 2003

Attorney: MRD/nk

[Check No. _____]